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# HOUSE BILL No. 1266

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** None (noncode).

**Synopsis:** Eligibility criteria for Medicaid waiver. Requires the office of Medicaid policy and planning to seek an amendment to the developmental disabilities waiver to set priorities in providing services.

**Effective:** Upon passage.

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January 14, 2008, read first time and referred to Committee on Public Health.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1266

A BILL FOR AN ACT concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2       SECTION, "office" refers to the office of Medicaid policy and  
3       planning established by IC 12-8-6-1.

4       (b) As used in this SECTION, "waiver" refers to the  
5       developmental disabilities waiver.

6       (c) Before July 1, 2008, the office shall apply to the United States  
7       Department of Health and Human Services for approval to amend  
8       the developmental disabilities waiver under section 1915(c) of the  
9       federal Social Security Act to set priorities in providing services  
10      under the waiver to certain eligible individuals.

11      (d) The waiver amendment must provide for the following  
12      individuals to be given priority in receiving services under the  
13      waiver:

14           (1) An individual who is determined by the state department  
15           of health to no longer qualify for the nursing level of care  
16           provided in a supervised group living setting.

17           (2) An individual who has a history of unexplained injuries or  
18           documented abuse that threatens the health and safety of the

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individual.

(3) An individual who has been referred to a nursing facility by a physician.

(4) A current resident of a large, private intermediate care facility for the mentally retarded who requests to leave the facility.

(5) Children or young adults who are becoming too old to reside in a residential or group home setting funded by the department of education, the division of family resources, or Medicaid.

(6) An individual for whom the primary caregiver of the individual is no longer able to care for the individual due to:

(A) the death of the caregiver;

(B) the long term institutionalization of the caregiver;

(C) the long term incapacitation of the caregiver;

(D) the long term incarceration of the caregiver; or

(E) other circumstances that:

(i) result from the breakdown of family support as a result of the death of the caregiver; and

(ii) place the individual at risk.

(e) The office may not implement the amendment to the waiver until the office files an affidavit with the governor attesting that the amendment to the federal waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver amendment is approved.

(f) If the office receives approval for the amendment to the waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (e), the office shall implement the amendment to the waiver not more than sixty (60) days after the governor receives the affidavit.

(g) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(h) This SECTION expires July 1, 2016.

SECTION 2. An emergency is declared for this act.

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